

**Affidavit to Accompany  
Motion for Leave to Appeal in Forma Pauperis**

RECEIVED AND FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
AUG 30 2004

District Court No. 97-CV-1629

Appeal No. 04-1880

**LUIS HIRAM ORTIZ-CAMERON**  
Petitioner/Appellant,

v.

**UNITED STATES OF AMERICA**  
Respondent/Apellee.

**Affidavit in Support of Motion**

**Instructions**

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Signed: [Signature]

Date: August 24, 2004

**My issues on appeal are:**

**Violation of Constitutional Rights Pursuant to § 2253 (c)(2)**  
Petitioner seeks relief on the grounds that the District Court failed to review and adjudicate judgment on the merits on raised but unrulred claims his 2255 motion and Rule 60 (b)(6).

*1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.*

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>14.40</u>	\$ <u>N/A</u>	\$ <u>14.40</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Gifts	\$ <u>300.00</u>	\$ <u>N/A</u>	\$ <u>300.00</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<b>Total Monthly income:</b>	\$ <u>314.40</u>	\$ <u>0</u>	\$ <u>314.40</u>	\$ <u>0</u>

**2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)**

Employer	Address	Dates of Employment	Gross monthly pay
F.C.I. (Prison)	P.O. Box 5000	October 1997	\$14.40
Ms. Stansbury,	Yazoo City, M.S.		
Counselor	39194-5000		

**3. List your spouses's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions)**

Employer	Address	Dates of Employment	Gross monthly pay
N/A (I am divorced and I have no spouse)		N/A	N/A

4. How much cash do you and your spouse have? \$ 23.85 (Inmate Account at FCI)

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
<u>N/A</u>	<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u>                    </u>	<u>                    </u>	\$ <u>                    </u>	\$ <u>                    </u>
<u>                    </u>	<u>                    </u>	\$ <u>                    </u>	\$ <u>                    </u>

If you are a prisoner, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

See Attached inmate account statement which has been certified by the appropriate institutional officer.

5. List the assets, and their values, which you or your spouse owns. Do not list clothing and ordinary household furnishings.

Home	(Value)	Other real estate	(Value)	Motor Vehicle #1	(Value)
<u>N/A</u>		<u>N/A</u>		Make & year: <u>N/A</u>	
<u>                    </u>		<u>                    </u>		Model: <u>                    </u>	
<u>                    </u>		<u>                    </u>		Registration#: <u>                    </u>	
<b>Motor Vehicle #2</b>	<b>(Value)</b>	<b>Other assets</b>	<b>(Value)</b>	<b>Other assets</b>	<b>(Value)</b>
Make & year: <u>                    </u>		<u>                    </u>		<u>                    </u>	
Model: <u>                    </u>		<u>                    </u>		<u>                    </u>	
Registration#: <u>                    </u>		<u>                    </u>		<u>                    </u>	

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>NONE</u>	<u>0</u>	<u>N/A</u>
<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>NONE</u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Spouse
Rent or home mortgage payment (include lot rented for mobile home)	\$ <u>N/A</u>	\$ <u>N/A</u>
Are any real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and Telephone)	\$ <u>0</u>	\$ <u>0</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>0</u>
Food	\$ <u>0</u>	\$ <u>0</u>
Clothing	\$ <u>0</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>0</u>
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in Mortgage payments)	\$ <u>0</u>	\$ <u>0</u>
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in Mortgage payments)(specify): _____	\$ <u>0</u>	\$ <u>0</u>
Installment payments	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card (name): _____	\$ <u>0</u>	\$ <u>0</u>
Department store (name): _____	\$ <u>0</u>	\$ <u>0</u>
Other: _____	\$ <u>0</u>	\$ <u>0</u>

Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operations of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>Typewriter Ribbons, paper, stamps,</u>	\$ <u>314.40</u>	\$ <u>314.40</u>
<u>Correction Tapes, Copies, Phone, Hygiene items,</u>		
<u>Envelopes and Food. Total monthly expenses:</u>	\$ <u>314.40</u>	\$ <u>314.40</u>

9. Do you expect any major changes to your monthly income or expenses in your assets or liabilities during the next 12 months?

☐ Yes ☒ No

If yes, describe on an attached sheet.

I am in prison and here I have to buy all the material to prepare my motions and appeals and the payment from my job is too low.

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? \$ N/A I am pro-se in my case because I have no money to pay for the representation of an attorney.

If yes, state the attorney's name, address, and telephone number:

N/A  
\_\_\_\_\_  
\_\_\_\_\_

11. Have you paid — or will you be paying — anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

(I am pro-se)

If yes, how much? \$ N/A

If yes, state the person's name, address, and telephone number:

N/A  
\_\_\_\_\_  
\_\_\_\_\_

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal. I have been in prison for over fourteen (14) years. All my properties were seized by the government, including my business (Dairy Farm). It may be corroborate with my PSR and sentencing transcripts. Prior of this petition I have filed other Forma Pauperis which have been granted because I could not pay the docket fees. My Present income is limited to the monthly salary of \$ 14.40 dollars I earn working in prison. The only extra income I receive comes from my parents or friends whenever they can afford it in an average of approximately of \$ 300.00 a month, which I use for paying my immediate expenses, specially the legal materials (see above of this page). 5

13. State the address of your legal residence.

Luis Hiram Ortiz-Cameron / Reg. #06567-069  
FCI Yazoo City/ Unit 2-BU / P.O. Box 5000 / Yazoo City, MS 39194-5000

Your daytime phone number: ( ) N/A

Your age: 47 Your years of schooling: 14

Your social security number: 584-78-2871